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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,600	01/20/2000	Evgeniy M. Getsin	IACTP014	6033

22242 7590 06/17/2003

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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/17/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,600

Applicant(s)

GETSIN ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10,12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1 – 18 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-8, 11-14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. [US Patent No 5802294], in view of Carleton et al. [US Patent No 5920694].

4. As per claim 1, Ludwig discloses the invention substantially as claimed including a method for creating a synchronizer object in order to playback an event simultaneously on a plurality of a client apparatuses, comprising the steps of:

receiving a request utilizing a network for viewing an event [col 8, lines 63-col 9, lines 3; and col 18, lines 49-59];

creating an object in response to the request [col 19, lines 3036], the object adapted to playback the event on a client apparatus simultaneous with the playback of the event on the remaining client apparatuses upon the receipt of an activation signal [col 6, lines 38-49; col 9, lines 25-35; and col 26, lines 22-35]; and

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sending the object to one of the client apparatuses utilizing the network for being stored therein [col 19, lines 26-43].

Ludwig does not specifically disclose
queuing the request in memory.

Carleton discloses
queuing the request in memory [col 4, lines 53-61; and col 6, lines 7-15].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Ludwig and Carleton because Carleton's teaching of queuing request would provide an orderly process of information to prevent data corruption.

5. As per claim 2, Ludwig discloses the request is received via an application program embedded in a site on the network [col 18, lines 32-39].

6. As per claim 5, Ludwig discloses the object identifies a start time when the playback of the event is to begin on each of the client apparatus [col 31, lines 37-48].

7. As per claim 6, Ludwig discloses the activation signal is provided using a clock of the client apparatus [col 29, lines 41-52].

8. As per claims 7, 8, 11, and 12, they are program product claimed of claims 1, 2, 5 and 6, they are rejected for similar reasons as stated above in claims 1, 2, 5 and 6.

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9. As per claim 13, 14, 17 and 18, they are apparatus claimed of claim 1, 2, 5, and 6, they are rejected for similar reasons as stated above in claims 1, 2, 5 and 6.

10. Claims 3, 4, 9, 10, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. [US Patent No 5802294], in view of Carleton et al. [US Patent No 5920694], and further in view of Roberts et al. [US Patent No 6161132].

11. As per claim 3, Ludwig and Carleton do not disclose the object is adapted to playback the event which is stored in memory of the client apparatus. Roberts discloses the object is adapted to playback the event which is stored in memory of the client apparatus [col 7, lines 10-22 and 25-37; and col 8, lines 1-2]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Ludwig, Carleton and Roberts because Roberts' teaching of playback the event would allow consumer to interactive with the system [Roberts, col 1, lines 57-65].

12. As per claim 4, Roberts discloses a digital video disc (DVD) [col 2, lines 5-10].

13. As per claims 9, 10, and 15, 16, they are program product and apparatus claimed of claims 3 and 4, they are rejected for similar reasons as stated above in claims 3 and 4 respectively.

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14. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

15. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen


ZARNI MAUNG
PRIMARY EXAMINER